IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 16798 of 2004

Between:

P. Yangamma, W/o. Penchalaiah,
R/o. Yepur (Vill.), Rapur Mandal, Nellore District.

.... PETITIONER

AND

1 The Secretary, Education (SE-Prog.1) Department,
Government of Andhra Pradesh, Secretariat Buildings, Hyderabad.
2 The Mandal Parishad Development Officer, Rapur Mandal, Rapur, Nellore

District.
3 G. Kondamma, W/o. Penchala Reddy,
R/o. Yepur (Village), Rapur Mandal, Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS under Article 226 of the Constitution of India, declaring the proceedings of the Mandal Parishad Development Officer, Rapur Mandal, Rapur Nellore District in RC.No.B/82/2004 dated 28-6-2004 is arbitrary, illegal, without jurisdiction, in violation of G.O.Ms.No.94, Education (SE-Prog.1) Department, dated 25-11-2003 and the guidelines issued for the implementation of Mid-day Meal Programme and consequently set aside the same.

Counsel for the Petitioner: MR.CH.CKRISHNA REDDY

Counsel for the Respondents: GP FOR EDUCATION

The Court at the admission stage made the following:

ORDER:

Admittedly, Lakshmi Podupu Group represented by the petitioner was appointed as implementing agency for organizing Midday Meal Programme at Mandal Parishad Upper Primary School, Yepur. When the members of the said group submitted a resolution that petitioner was removed from duty and in her place Smt. G.Kondamma the first leader of the group was elected to organize the said scheme, the Mandal Parishad Development Officer issued impugned proceedings dated 28-06-2004 directing Smt.G. Kondamma to organize the midday meal scheme.

2. Learned counsel for the petitioner submits that the resolution said to have been passed by the group is a bogus resolution and there was no majority to pass such resolution.

3. All these aspects are disputed questions of fact, which can be resolved by the Joint Collector who is the monitoring authority in appointing the implementing agency for organizing the midday meal scheme. In view of the same, petitioner can approach the Joint Collector by making a representation, and it is for the Joint Collector to consider the said representation, enquire into and pass appropriate orders.

The Writ Petition is accordingly disposed of. No costs.

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A. **GOPAL REDDY, J**

September 20, 2004

N.B. *Furnish copy in three days*

(B/O)

MRR

To:

1 The Secretary, Education (SE-Prog.1) Department,
Government of Andhra Pradesh, Secretariat Buildings, Hyderabad.
2 The Mandal Parishad Development Officer, Rapur Mandal, Rapur, Nellore

District.
3 Two C.C.s to the G.P. for Education, High Court Buildings, Hyderabad (OUT)

4 Two C.D. Copies.